

REMARKS

Favorable and prompt allowance of the pending claims in the application is respectfully requested on the basis of the following particulars.

1. In the specification

The specification is amended to describe Fig. 17 with the statement that the “proximal surface of the facing layer 12 and the proximal surface of the border portion 45 of the backing layer 16 carrying the skin adherent adhesive or an elastomeric gel lie along the same plane and are thereby co-planar.”

The applicant has rephrased the description of Fig. 17 that was made in the prior attempt at amending the specification which was denied entry. It is abundantly clear from Fig. 17 that the proximal surface of the border portion 45 of the backing layer 16 carrying the skin adherent adhesive or elastomeric gel is indeed co-planar with the proximal surface of the facing layer 12.

The statement in the Advisory Action alleging that the amendment to the specification raises new matter is misplaced. Specifically, the Action states that the prior amendment could not be entered since the original specification describes that the second facing layer is directly bonded to and coextensive with the proximal surface, and that it is not possible for a layer of any thickness that is bonded to such surface to be also coplanar with the surface.

It is not understood where the examiner derives this understanding of the embodiment of Fig. 17. It is readily apparent from the disclosure in the original written description (i.e., page 27, line 25 through page 28, line 5), and Fig. 17 that the skin adherent adhesive or an elastomeric gel (unlabeled) on the backing layer 16 is separate from the facing layer 12 which in turn is located on the absorbent core 14. There is no understanding in the written description and in Fig. 17 that the skin adherent adhesive or an elastomeric gel is located on the facing layer 12. Indeed, they are both described as being located on different substrates (i.e., the backing layer and the absorbent core).

It is submitted that the amendment to the specification does not enter new matter into the pending application since there is clear support from Fig. 17. Entry of the amendment to the specification is kindly requested.

Should the examiner refuse to enter the current amendment to the specification, the applicant respectfully requests the examiner to contact the undersigned to explain how this current amendment to the specification raises new matter.

Entry of the amendment to the specification is kindly requested.

2. In the claims

In the AMENDMENT TO THE CLAIMS, independent claim 12 is amended similarly to the current amendment to the specification. Support is likewise found at page 27, line 25 through page 28, line 5, and Fig. 17.

Claims 22 and 23 are cancelled without prejudice or disclaimer so as to simplify issues of this application.

New claim 24 recites the embodiment of Fig. 17 and the description of the wound dressing of the embodiment of Fig. 17 at page 27, line 25 through page 28, line 5, and Fig. 17.

Support for new claim 25 is found at page 27, line 25 through page 28, line 5, and Fig. 17.

Support for new claim 26 is found at page 28, lines 16-24.

Support for new claim 27 is found in original claim 15.

Support for new claim 28 is found in Fig. 17.

It is submitted that the amendment to claim 22, and new claims 24-28 do not introduce new matter into the application. Entry of the amendment to the claims is respectfully requested in the next Office communication.

3. Rejection of claims 12, 14-16 and 18-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent application publication 2002/0156410 (*Lawry*)

Reconsideration of the rejection of the claims is courteously requested in view of the amendment to the claims and the following remarks.

In the new rejection, the examiner contends that *Lawry* discloses first and second facing layers that are co-planar. The applicant respectfully disagrees.

Claim 12 has been amended to remove the distinction that the recited first and second facing layers are “generally” co-planar. This claim now recites that the proximal surface of the facing layer and the proximal surface of the border portion of the backing layer carrying the skin adherent adhesive or an elastomeric gel are co-planar.

In response to the examiner’s assertion that the specification doesn’t explain what is meant by the term “co-planar,” the applicant contends that the specification must not particularly explain what the term “co-planar” means. “Co-planar” is widely understood as having a definition which means “lying or acting in the same plane.” For further reference, the examiner is directed to the following link: <http://www.merriam-webster.com/dictionary/co-planar>.

The depiction of the wound dressing embodiment of Fig. 17 reinforces this ordinary understanding of the term “co-planar” by clearly showing the proximal surfaces of the facing layer (12) and the skin adherent adhesive or elastomeric gel of the border portion (45) of the backing layer (16) are located along the same plane. From Fig. 17, the skilled person can discern that there is little or no deviation of the proximal surfaces as lying outside the same plane.

Turning to *Lawry*, it is clear in the cross-sectional views of Figs. 2-5 that the adhesive layer (26) is not arranged along the same plane as the silicone gel layer (16). The rejection appears to reason that the adhesive layer (26) is approximately along the same plane as the silicone gel layer (16), but such reasoning is misplaced since it clearly does not equate to being co-planar.

It is clear in each embodiment in *Lawry* that the silicone gel layer (16) is spaced from the adhesive layer (26) by an intermediate absorbing layer, either by

gauze (14) or a thin foam pad (32). The skilled person would readily recognize that the silicone gel layer (16) cannot have a bodyside surface that lies along the same plane as a bodyside surface of the adhesive layer (26) since *Lawry* clearly teaches that the silicone gel layer (16) is to be spaced apart from the adhesive layer (26) by an intermediate absorbing layer.

There is no disclosure or suggestion in *Lawry* in which the skilled person would understand to dispense with the intermediate absorbing layer.

Accordingly, *Lawry* does not and cannot be relied upon to disclose or suggest first and second facing layers having proximal surfaces which are co-planar with one another.

Next, the applicant respectfully requests the examiner to explain how gauze can define a grid of through-extending apertures. Indeed, the skilled person would not understand that gauze includes through-extending apertures. If the gauze (14) had through extending apertures, of which there is no understanding in the description in *Lawry*, the wound exudate would likely travel directly to the backing sheet (12) and absorption of such wound exudate would be hampered.

A grid pattern is accorded its ordinary meaning of a network of uniformly spaced horizontal and perpendicular lines (see <http://www.merriam-webster.com/dictionary/grid>).

Lawry provides no understanding of gauze having a grid pattern of through extending apertures, and therefore cannot be relied on this point in the rejection.

Lastly, it is submitted that *Lawry* does not disclose or suggest a silicone gel compound layer that has non-apertured regions consisting the silicone gel compound.

Lawry discloses that the gauze is impregnated with the silicone gel. The skilled person would understand that a gel layer being impregnated on a gauze or foam has a thickness that includes portions of the gauze or foam in order to assure that the silicone gel interlocks with the gauze or foam. In other words, the thickness of the impregnating gel layer cannot have a thickness that consists the silicone gel.

It is submitted that the impregnating silicone gel layer of *Lawry* includes portions of either the impregnated gauze (embodiments of Figs. 1-4) or foam (embodiment of Fig. 5). It follows that if the thickness of the silicone gel layer of *Lawry* does not include portions of either the gauze or foam, it cannot remain secured to the gauze or foam since there is nothing that the silicone gel can lock to.

Lawry provides no understanding of securing the silicone gel on the gauze or foam in any manner other than by impregnation, and it is established that impregnation of a substrate cannot yield the second facing layer structure of the type required by claim 12.

From these observations, it is submitted that *Lawry* fails to disclose or suggest every limitation required by claim 12. Claims 14-16 and 18-20 are allowable based on their dependency from claim 12 and their individual limitations.

Accordingly, withdrawal of this rejection is respectfully requested.

4. Rejection of claim 22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent application publication 2002/0156410 (*Lawry*)

This rejection is moot in view of the cancellation of claim 22.

5. Rejection of claim 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent application publication 2002/0156410 (*Lawry*) in view of U.S. patent application publication 2003/0120229 (*de Jong*)

This rejection is moot in view of the cancellation of claim 23.

6. Conclusion

As a result of the amendment to the claims and the new claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Art Unit: 3761

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Respectfully submitted,

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